



{In Archive} El Paso exemption

Ray Leissner to: Bryan Smith

Cc: Philip Dellinger

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From: Ray Leissner/R6/USEPA/US
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Bryan,

We had the meeting today on the issue you and I discussed a few weeks ago, namely whose standard of protection should we use to determine the necessity for an exemption application. We concluded that it would be the State's rule, in this case TAC 331.5 and the State's interpretation of that rule. This finding follows the SDWA's instruction that an approved state program's rules becomes the applicable rules for enforcement by state and EPA.

This finding moves the discussions forward on the merits of the exemption application. Now we would like to resolve why the State would choose to interpret their rule as to hold EPWU's Class V wells to a non-degradation standard at the point of injection, when there are any number of Class V wells, such as commercial septs, that one assumes would not adhere to the same standard. We'd like to better understand TCEQ's position on this matter. To that end, can we plan a 1 hour conference call for the last week in October? On my end we'll have our Associate Director for the Sourcewater Protection Branch, Stacey Dwyer, Attorney David Gillespie, Phil Dellinger and myself.
Thanks

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The FIRST STEP in protecting your ground water is to have your well tested.